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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed January 8, 2007. By this response, Applicant has amended claims 1, 29 and 57.

In view of both the amendments presented above and the following discussion, Applicant submits that all of the claims now pending in the application are non-obvious under 35 U.S.C. §103. Thus, Applicant believes that all of these claims are now in allowable form.

It is to be understood that Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response including amendments.

35 U.S.C. §103 Rejection of Claims 1-4, 6-8, 10, 12-14, 16, 19-21, 27, 29-32, 34-35, 38, 40-42, 44, 47-49, 57-60, 62-64, 66, 68-70, 72, and 75-77

The Examiner has rejected claims 1-4, 6-8, 10, 12-14, 16, 19-21, 27, 29-32, 34-35, 38, 40-42, 44, 47-49, 57-60, 62-64, 66, 68-70, 72, and 75-77 as being unpatentable under the provisions of 35 U.S.C. §103(a) over U.S. Patent 6,553,178-B2 to Abecassis (hereinafter "Abecassis") in view of U.S. Patent 5,754,938 to Herz (hereinafter "Herz"). Applicant respectfully traverses the rejection.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. The Abecassis and Herz references, alone or in combination, fail to teach or suggest all of the limitations recited in amended independent claim 1, and thus fail to teach or suggest the Applicant's invention as a whole. Independent claim 1 is amended to further clarify the claim language. The Applicant believes that the amendments simply clarify what was already recited in independent claim 1 previously to accommodate the Examiner's suggestions noted in the Office Action dated January 8, 2007. (See Office Action, p. 2-3 "Response to Arguments".)

The Applicant respectfully submits that Abecassis and Herz, alone or in any permissible combination, fail to teach all of the limitations in amended independent

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claim 1. Abecassis clearly teaches that when an incoming communication is detected, the user is required to take action and decide whether or not to accept the call. (See Abecassis, col. 52, ll. 5-34.) In contrast, the Applicant's invention clearly teaches pausing automatically the video program upon detecting the receiving of the notification portion of the incoming audio communications event without any action by the user.

For the reasons given above and discussed during the telephone interview with the Examiner held on September 6, 2006, the Abecassis reference fails to disclose or suggest all the limitations of amended independent claim 1. Moreover, as discussed in more detail in previous responses, the Herz reference fails to bridge the gap between Abecassis and the claimed invention. Therefore, the combination of the Abecassis and Herz references therefore fails to teach or suggest Applicant's invention as a whole.

As such, Applicant submits that amended independent claim 1 fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, amended independent claims 29 and 57 have substantially similar relevant limitations as those discussed above in regards to claim 1. Therefore, amended independent claims 29 and 57 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Additionally, claims 2-4, 6-8, 12-14, 16, 19-21, 30-32, 34-35, 38, 40-42, 44, 47-49, 58-60, 62-64, 66, 68-70, 72, and 75-77 depend, directly or indirectly, from amended independent claims 1, 29, and 57, and recite additional limitations thereof. As such, these dependent claims also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 5, 33 and 61

The Examiner has rejected claims 5, 33 and 61 under 35 U.S.C. §103(a) as being unpatentable over Abecassis in view of Herz in further view of Statutory Invention Registration H1714 to Partridge (hereinafter "Partridge"). Applicant respectfully traverses the rejection.

Claims 5, 33 and 61 depend directly or indirectly from independent claims 1, 29 and 57. Moreover, for at least the reasons discussed above, the Abecassis and Herz references fail to teach or suggest the Applicant's invention as recited in claims 1, 29

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and 57. Accordingly, any attempted combination of the Abecassis and Herz references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicant submits that dependent claims 5, 33 and 61 are patentable under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 11, 39 and 67

The Examiner has rejected claims 11, 39 and 67 under 35 U.S.C. §103(a) as being unpatentable over Abecassis in view of Herz in further view of The Publisher's Page article (hereinafter "Publisher's Page"). Applicant respectfully traverses the rejection.

Claims 11, 39 and 67 depend directly or indirectly from independent claims 1, 29 and 57. Moreover, for at least the reasons discussed above, the Abecassis and Herz references fail to teach or suggest Applicant's invention as recited in claims 1, 29 and 57. Accordingly, any attempted combination of the Abecassis and Herz references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicant submits that dependent claims 11, 39 and 67 are patentable under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 9, 36, 37 and 65

The Examiner has rejected claims 9, 36, 37, and 65 under 35 U.S.C. §103(a) as being unpatentable over Abecassis in view of Herz in further view of U.S. Patent 5,715,315 to Handelman (hereinafter "Handelman"). Applicant respectfully traverses the rejection.

Claims 9, 36, 37 and 65 depend directly or indirectly from independent claims 1, 29 and 57. Moreover, for at least the reasons discussed above, the Abecassis and Herz references fail to teach or suggest Applicant's invention as recited in claims 1, 29

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and 57. Accordingly, any attempted combination of the Abecassis and Herz references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicant submits that dependent claims 9, 36, 37 and 65 are patentable under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 15, 17, 43, 45, 71, and 73

The Examiner has rejected claims 15, 17, 43, 45, 71 and 73 under 35 U.S.C. §103(a) as being unpatentable over Abecassis in view of Herz in further view of U.S. Patent 5,808,662 to Kinney (hereinafter "Kinney"). Applicant respectfully traverses the rejection.

Claims 15, 17, 43, 45, 71 and 73 depend directly or indirectly from independent claims 1, 29 and 57. Moreover, for at least the reasons discussed above, the Abecassis and Herz references fail to teach or suggest Applicant's invention as recited in claims 1, 29 and 57. Accordingly, any attempted combination of the Abecassis and Herz references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicant submits that dependent claims 15, 17, 43, 45, 71 and 73 are patentable under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 18, 46 and 74

The Examiner has rejected claims 18, 46 and 74 under 35 U.S.C. §103(a) as being unpatentable over Abecassis in view of Herz in further view of U.S. Patent 6,480,667 to O'Connor (hereinafter "O'Connor"). Applicant respectfully traverses the rejection.

Claims 18, 46 and 74 depend directly or indirectly from independent claims 1, 29 and 57. Moreover, for at least the reasons discussed above, the Abecassis and Herz references fail to teach or suggest Applicant's invention as recited in claims 1, 29 and

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57. Accordingly, any attempted combination of the Abecassis and Herz references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicant submits that dependent claims 18, 46 and 74 are patentable under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 27, 55, and 83

The Examiner has rejected claims 27, 55 and 83 under 35 U.S.C. §103(a) as being unpatentable over Abecassis in view of Herz in further view of U.S. Patent 6,167,376 to Ditzik (hereinafter "Ditzik"). Since these claims have been cancelled it is respectfully submitted that the rejection is moot.

35 U.S.C. §103 Rejection of Claims 28, 56 and 84

The Examiner has rejected claims 28, 56 and 84 under 35 U.S.C. §103(a) as being unpatentable over Abecassis in view of Herz and Ditzik in further view of U.S. Patent 6,006,257 to Slezak (hereinafter "Slezak"). Since these claims have been cancelled it is respectfully submitted that the rejection is moot.

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CONCLUSION

Thus, Applicant submits that all of the claims presently in the application are non-obvious under 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 4/9/07

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